

EXHIBIT B

Exhibit 1

Exhibits for Plaintiffs' Objection

No. CACE-21-010056

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

SAMUEL KATZ and LYNNE RHODES,
individually, and on their own behalf and on
behalf of all others similarly situated,

Plaintiffs,

v.

LIBERTY POWER CORP., LLC, *et al.*,

Defendants.

LIBERTY POWER CORP., LLC, and
LIBERTY POWER HOLDINGS, LLC,

Third-Party Plaintiffs,

v.

MEZZI MARKETING, LLC,

Third-Party Defendant.

LIBERTY POWER CORP., LLC,

Counterclaim-Plaintiff,

v.

SAMUEL KATZ,

Counterclaim-Defendant.

Case No. 1:18-cv-10506-ADB-DLC

DECLARATION OF DAVID HERNANDEZ

I, David Hernandez, upon my own personal knowledge unless otherwise stated, under oath hereby depose and state as follows:

1. I am over the age of 18 years old and otherwise competent to testify.
2. I am majority owner of Liberty Power Corp. LLC ("Liberty Power Corp.") and its past Chief Executive Officer.
3. On May 19, 2021, Liberty Power Corp. filed a petition commencing an Assignment for the Benefit of Creditors pursuant to Chapter 727 of the Florida Statutes (the "ABC").
4. Because of the ABC, Liberty Power Corp. is no longer in custody, control or possession of its servers containing emails or documents.

5. Because of the ABC, the Assignee Philip J. Von Kahle is now in possession of all of Liberty Power Corp. assets, including all documents and emails.

6. Liberty Power Corp. has no employees to search keyword terms, retrieve emails and documents, or upload these emails and documents to defense counsel.

7. Because of the foregoing, Liberty Power Corp. is unable to hire defense counsel to collect, review, and produce these documents, or a document vendor to host the documents.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 6/23, 2021


David Hernandez

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